



Council Agenda Report

To: Mayor Silverstein and the Honorable Members of the City Council

Prepared by: Richard Mollica, Planning Director

Reviewed by: Joseph Toney, Assistant City Manager

Approved by: Steve McClary, City Manager

Date prepared: March 22, 2023 Meeting date: April 10, 2023

Subject: Amendment No. 2 to Professional Services Agreement with Center for Municipal Solutions

RECOMMENDED ACTION: Authorize the Mayor to execute the Professional Services Agreement (PSA) Amendment No. 2 with Center for Municipal Solutions to extend the term of the agreement to June 30, 2023.

FISCAL IMPACT: The services rendered by the Consultants will be funded by wireless communication facility application planning fees. For services not reimbursable by application fees, funding was included in the Adopted Budget for Fiscal Year 2022-2023 in Account No. 101-2001-5100.00 (Planning Professional Services).

WORK PLAN: This item was included as item 4.l.1 and 4.i. in the in the Adopted Work Plan for Fiscal Year 2022-2023.

DISCUSSION: The Planning Department oversees the processing of wireless communication facility (WCF) applications. Due to the technical and regulatory expertise required, the City utilizes a third-party reviewer for WCF applications to ensure that the City is in compliance with Federal and State laws.

In 2020, the City issued a Request for Proposals (RFP) for consulting firms to provide expert, technical, regulatory consultation, application review, and other assistance with wireless communications facility applications. As a result of that RFP, in January 2021 the City entered into two-year term agreements with two firms including CMS. The agreement was amended in February 2021 to modify the scope of work.

On March 28, 2023, the City issued an RFP for the aforementioned services for a 30-day response period and anticipates concluding the interview process the end of May. As such, staff is requesting that the City Council extend the term of the City's Professional Service Agreement with CMS until June 30, 2023, to maintain services until new agreements are awarded.

ATTACHMENT: Amendment No. 2 to the Professional Services Agreement with CMS

AMENDMENT NO. 2 TO AGREEMENT

THIS AMENDMENT NO. 2 TO AGREEMENT is made and entered in the City of Malibu on April 10, 2023, by and between the CITY OF MALIBU, hereinafter referred to as City, and Center for Municipal Solutions, hereinafter referred to as Consultant.

The City and the Consultant agree as follows:

RECITALS

- A. On January 11, 2021, the City entered into an Agreement with Consultant for consulting services to provide expert, technical, regulatory consultation, application review, and other assistance with wireless communication facility applications.
- B. On February 8, 2021, the City entered into an Amendment No. 1 Agreement with Consultant to amend the Consultant’s scope of work.
- C. The Agreement was set to expire on January 11, 2023 and pursuant to Malibu Municipal Code Section 2.56.150, a request for proposals shall be solicited for services. At the time this amendment was prepared, the City has not issued a request for proposal. As such, the City desires to amend the Agreement to extend the term of the agreement to June 30, 2023 until the City Council can award an agreement for services.
- D. City desires to amend the Agreement to extend the term of the agreement, and Consultant has submitted a proposal for this purpose that is acceptable to the City.

NOW THEREFORE, in consideration of their mutual promises, obligations and covenants hereinafter contained, the parties hereto agree as follows:

- 1. Section 2.0 – Term of Agreement, of the Agreement, is hereby extended to June 30, 2023.
- 2. The Parties agree that this Amendment will be considered signed when the signature of a party is delivered physically or by facsimile transmission or scanned and delivered via electronic mail. Such facsimile or electronic mail copies will be treated in all respects as having the same effect as an original signature.
- 3. All terms and conditions of the Agreement not amended by this Amendment No. 2 remain in full force and effect.

This Agreement is executed on _____, at Malibu, California, and effective as of April 10, 2023.

CITY OF MALIBU:

BRUCE SILVERSTEIN, Mayor

ATTEST:

KELSEY PETTIJOHN, City Clerk
(seal)

APPROVED AS TO FORM:

THIS DOCUMENT HAS BEEN REVIEWED
BY THE CITY ATTORNEY'S OFFICE

TREVOR RUSIN, Interim City Attorney

CONSULTANT:

Robert C. Ross

By: ROBERT C. ROSS

Title: Director of Western Operations